

Atty. Dkt. No. 074022-3303

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: DREWES et al.

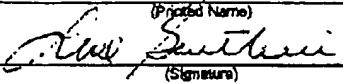
Title: METHODS AND DEVICES FOR MASS TRANSPORT ASSISTED OPTICAL ASSAYS

Appl. No.: 09/675,518

Filing Date: 9/29/2000

Examiner: B. Foreman

Art Unit: 1634

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b>	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
Line Gauthier	(Printed Name)
	
(Signature)	
January 18, 2005	
(Date of Deposit)	

**TERMINAL DISCLAIMER**

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Your Petitioner, Thermo Biostar Inc., having its principal place of business at 6655 Lookout Rd., Boulder, CO 80301, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 09/675,518, filed 9/29/2000, which is a continuation of U.S. Patent Application No. 08/950,963, filed October 15, 1997, by virtue of an Assignment filed and recorded on 3/23/1998, on Reel/Frame 9077/0497, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX A; and by virtue of a name change from Biostar, Inc., to Thermo Biostar Inc., filed and recorded on 9/24/2001, on Reel/Frame 012189/0506, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX B.

Further, your Petitioner represents that it is the owner of U.S. Patent Application No. 08/950,963, filed October 15, 1997, by virtue of an Assignment filed and recorded on March

Atty. Dkt. No. 074022-3393

23, 1998, on Reel/Frame 9077/0497, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX A; and by virtue of a name change from Biostar, Inc., to Thermo Biostar Inc., filed and recorded on 9/24/2001, on Reel/Frame 012189/0506, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX B.

Your Petitioner, Biostar, Inc., hereby disclaims the terminal part of the term of any patent granted on U.S. Patent Application 09/675,518 which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of any patent granted on U.S. Patent Application 08/950,963, and hereby agrees that any patent so granted on U.S. Patent Application 09/675,518 shall be enforceable only for and during such period that the legal title to any patent granted on U.S. Patent Application 08/950,963 shall be the same as the legal title to any patent granted on U.S. Patent Application 09/675,518, this agreement to run with any patent granted on U.S. Patent Application 09/675,518 and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on U.S. Patent Application 09/675,518, prior to the full statutory term of any patent granted on U.S. Patent Application 08/950,963 as defined in 35 U.S.C. §§154-156 and 173, in the event that any patent granted on U.S. Patent Application 08/950,963 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to the full statutory term of any patent granted on U.S. Patent Application 08/950,963 as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on U.S. Patent Application 09/675,518 that would extend beyond the present termination of any patent granted on U.S. Patent Application 08/950,963, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or

Atty. Dkt. No. 074022-3303

156, and without waiving Petitioner's right to extend the term of a patent granted on U.S. Patent Application 09/675,518 to the extent provided by law.

The undersigned, being the Attorney of Record for U.S. Patent Application 09/675,518, and duly authorized to act on behalf of Petitioner, certifies that he has reviewed the Assignments attached as APPENDICES A and B, and to the best of his knowledge and belief, legal title to U.S. Patent Application 09/675,518 and any patent granted on U.S. Patent Application 08/950,963 rests with Petitioners, Biostar, Inc. The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date 1/18/05

By Barry Wilson

FOLEY & LARDNER LLP  
Customer Number: 30542  
Telephone: (858) 847-6722  
Facsimile: (858) 792-6773

Barry S. Wilson  
Attorney for Applicant  
Registration No. 39,431

Atty. Dkt. No. 074022-5303

[ X ] The fee required for additional claims is calculated below:

	Claims As Amended	Previously Paid For	Extra Claims Present	Rate	Additional Claims Fee
Total Claims:	33	- 41	= 0	x \$50.00 =	\$0.00
Independent Claims:	2	- 3	= 0	x \$200.00 =	\$0.00
First presentation of any Multiple Dependent Claims:			+ \$360.00 =		\$0.00
	0			CLAIMS FEE TOTAL =	\$0.00

[ ] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

[ ] Extension for response filed within the first month:	\$120.00	0	\$0.00
[ ] Extension for response filed within the second month:	\$450.00	0	\$0.00
[ ] Extension for response filed within the third month:	\$1,020.00	0	\$0.00
[ ] Extension for response filed within the fourth month:	\$1,590.00	0	\$0.00
[ ] Extension for response filed within the fifth month:	\$2,160.00	0	\$0.00
EXTENSION FEE TOTAL:			\$0.00
[ X ] Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	1	\$130.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:			\$130.00
[ ] Small Entity Fees Apply (subtract 1/2 of above):			\$0.00
TOTAL FEE:			\$130.00

[ X ] Please charge Deposit Account No. 50-0872 in the amount of \$130.00. A duplicate copy of this transmittal is enclosed.

[ X ] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise

Atty. Dkt. No. 074022-3303

improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 1/18/05By Barry Wilson

FOLEY & LARDNER LLP  
Customer Number: 30542  
Telephone: (858) 847-6722  
Facsimile: (858) 792-6773

Barry S. Wilson  
Attorney for Applicant  
Registration No. 39,431